

ARMSTRONG TEASDALE, LLP

7 Times Square, 44th Floor
New York, New York, 10036

Jeffrey A. Wurst, Esq.

212-209-4443

jwurst@atllp.com

Attorneys for Third-Party Defendant George S. Papantoniou

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

NORTHERN BOULEVARD AUTOMALL, LLC
d/b/a LONG ISLAND VOLKSWAGEN,

Debtor,

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RICHARD MCCORD, ESQ., as CHAPTER 11 Trustee
for the Estate of Northern Boulevard Automall, LLC
d/b/a LONG ISLAND CITY VOLKSWAGEN,

Plaintiff,

- against -

5615 NORTHERN LLC, 142 NORTH LLC, 54 BWAY
LLC, DIO LONG, LLC, 2545 BORDEN, LLC, DIO
NORTH, LLC VALLEY MERRICK LLC, and SPYRO
AVDOULOS,

Adv. Pro. No. 19-1070-nhl

Defendants.

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5615 NORTHERN LLC, 142 NORTH LLC, 54 BWAY
LLC, DIO LONG, LLC, 2545 BORDEN, LLC, DIO
NORTH, LLC VALLEY MERRICK LLC, and SPYRO
AVDOULOS,

Third-Party Plaintiffs,

- against -

NIKOLAOS LETSIOS a/k/a NICK LETSIOS, MARINA
LETSIOS, JANET BEBRY, GEORGE S.
PAPANTONIOU, VALLEY AUTO SHOW,
JOHN MARCIANO, RESPECT AUTO QUEENS I,

LLC, STEVAN H. LABONTE and LABONTE
LAW GROUP,

Third-Party Defendants.

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**JOINDER OF THIRD-PARTY DEFENDANT GEORGE S.
PAPANTONIOU TO THIRD PARTY DEFENDANTS' NIKOLAOS
LETSIOS, MARINA LETSIOS, AND JANET BEBRY'S MOTION TO
DISMISS THE THIRD-PARTY PLAINTIFF'S THIRD-PARTY
COMPLAINT**

George S. Papantoniou (“**Mr. Papantoniou**”), by his undersigned counsel, Armstrong Teasdale LLP, hereby submits the following Joinder (the “**Joinder**”) in Support of Third-Party Defendants’ Nikolaos Letsios, Marina Letsios, And Janet Bebry’s (collectively, the “**Third-Party Defendants**”) Motion to Dismiss the Third-Party Plaintiff’s Third-Party Complaint [Docket No.: 60] (the “**Motion to Dismiss**”), and respectfully represents as follows:

1. On May 5, 2019, Richard McCord, Esq., as Chapter 11 Trustee for the Estate of Northern Boulevard Automall, LLC d/b/a LONG ISLAND CITY VOLKSWAGEN (the “**Trustee**”) commenced the instant adversary proceeding by filing a Complaint against defendants 5615 NORTHERN LLC, 142 NORTH LLC, 54 BWAY LLC, DIO LONG, LLC, 2545 BORDEN, LLC, DIO NORTH, LLC VALLEY MERRICK LLC, and SPYRO AVDOULOS (collectively, the “**Third -Party Plaintiffs**”) [Docket No.: 1].

2. On August 26, 2019, the Third-Party Plaintiffs filed a Third-Party Complaint [Docket No.: 24], subsequently amended by a First Amended Third-Party Complaint filed on September 16, 2019 (the “**Third-Party Complaint**”), against the Third-Party Defendants, Valley Auto Show, John Marciano, Respect Auto Queens I, LLC, Stevan H. Labonte, Labonte Law Group, And Mr. Papantoniou, [Docket No.: 26].

3. The Third-Party Complaint asserts claims of: (1) breach of fiduciary duty; (2) fraud and constructive fraud; (3) aiding and abetting breach of fiduciary duty; (4) civil conspiracy; (5) indemnification; (6) contribution; and (7) deceit, against Mr. Papantoniou and the Third-Party Defendants in connection with Mr. Papantoniou's and the Third-Party Defendant's business relationship with Northern Boulevard Automall, LLC d/b/a Long Island Volkswagen (the "**Debtor**").

4. On December 10, 2019, the Third-Party Defendants Filed the Motion to Dismiss.

5. During all times for the period addressed in the Third-Party Complaint, Mr. Papantoniou was employed as a manager of the Debtor.

6. Upon information and belief, Third Party-Defendant Nikolaos Letsios a/k/a Nick Letsios was a managing member of the Debtor, and Third-Party Defendants Marina Letsios and Janet Bebry were employed as a bookkeeper, and controller of the Debtor, respectively.

7. The Third-Party Defendants argue in their Motion to Dismiss that: (i) the Third-Party Plaintiffs lack standing to bring the claims asserted in the Third-Party Complaint; (ii) the Court lack subject matter jurisdiction over the claims asserted in the Third-Party Complaint because such claims are non-core; and (iii) the Third-Party Plaintiffs fail to state claims for relief against the Third-Party Defendants.

8. All of the claims asserted against Mr. Papantoniou and the Third-Party Defendants in the Third-Party Complaint arise from their employment and business relationships with the Debtor. None of the claims asserted in the Third-Party Complaint are directed solely at Mr. Papantoniou. Each cause of action alleges that Mr. Papantoniou and the Third-Party defendants are jointly responsible for the alleged wrongdoing, with the exception of the claim for Breach of Fiduciary Duty, which is asserted against Third-Party Defendant Nikolaos Letsios in his capacity

as managing member of the Debtor, and as a separate cause of action against Mr. Papantoniou and the other Third-Party Defendants - Marina Letsios and Janet Bebry - as employees of the Debtor.

9. Indeed, every single time Mr. Papantoniou is mentioned under a cause of action in the Third-Party Complaint, he is either mentioned together with all of the Third-Party Defendants, with Third-Party Defendants Marina Letsios and Janet Bebry, or with all of the defendants named in the Third-Party Complaint.

10. Based on the foregoing, Mr. Papantoniou hereby joins the Motion to Dismiss and the relief sought by the Third-Party Defendants in the Motion to Dismiss in order to avail himself of all of the defenses raised by the Third-Party Defendants. Such defenses apply to Mr. Papantoniou jointly with the Third-Party Defendants because Mr. Papantoniou was also an employee of the Debtor and the Third-Party Complaint does not even attempt to segregate Mr. Papantoniou in any way or impute liability upon him based on any actions or legal theories separate from those alleged against the other Third-Party Defendants.

CONCLUSION

WHEREFORE, Mr. Papantoniou respectfully requests that the Court enter an order granting the Motion to Dismiss.

Dated: November 18, 2022

ARMSTRONG TEASDAEL, LLP

By: s/ Jeffrey A. Wurst
 Jeffery Wurst
 7 Times Square, 44th Floor
 New York, New York 10036
 212-209-4443
 jwurst@atllp.com
*Attorneys for Third-Party Defendant George
 S. Papantoniou*